

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59 and 64-66 have been rejected by the Examiner. Claims 12, 13, 28, 29, 37, and 38 have been found to be allowable but for their dependence on rejected base claims. No claims are currently amended, added or cancelled. All amendments are fully supported by the Applicants' disclosure. Accordingly, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59 and 64-66 remain pending in the application.

Examiner Interview

Applicants would like to thank the Examiner for taking time to discuss the pending claims and cited references in a telephonic interview on September 8, 2009. As agreed during the interview, Applicants address the rejections in the remarks below and no claims are amended in this response. The Examiner is kindly invited to contact Applicants' representative by telephone for further discussion of this application.

Claim Rejections under 35 U.S.C. § 103

I. In the Office Action, claims 1-5, 9, 11, 14-15, 18-22, 27, 30-31, 35-36, 39-40, 47-52, 56-59 and 64-66 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0002643 A1 to Yamamoto (hereinafter "Yamamoto") in view of U.S. Patent No. 6,295,441 to Björkengren et al (hereinafter "Björkengren") and further in view of U.S. Patent No. 7,330,876 to Rawat et al (hereinafter "Rawat").

Applicants respectfully traverse all rejections. Because each amended claim was rejected for the same reasons, Applicants will address them simultaneously for the Examiner's convenience.

Claim 1 recites in part:

at least a first button disposed on a second surface of said body casing; and complementary logic to

facilitate entry of alphanumeric data **and user programmable phrases** in encoded representations of a variable length encoding scheme **using said at least first button**, the variable length encoding scheme having a plurality of codes of various code lengths,

wherein the shortest code of the variable length encoding scheme represents a first user selectable phrase comprising a plurality of alphanumeric characters, the first user selectable phrase being selected by a user from among a plurality of phrases for representation by the shortest code, said shortest code representing said first user selectable phrase in its entirety, and

wherein the second shortest code of the variable length encoding scheme represents a second user selectable phrase comprising a plurality of alphanumeric characters, the second user selectable phrase being selected by a user from among a plurality of phrases for representation by the second shortest code, said second shortest code representing said second user selectable phrase in its entirety; and

facilitate the user in assigning the first user selectable phrase selected by the user to the shortest code of the variable encoding scheme and in assigning the second user selectable phrase selected by the user to the second shortest code of the variable encoding scheme.

Viewed as a whole, as required by law, claim 1 recites a device with logic to support entry of data and user programmable phrases using a variable length encoding scheme, in which

the first/second shortest code of the scheme represents an entire multi-character phrase (e.g. “How are you?”) that is selectable by the user for association with that code. In other words, the variable length encoding scheme of claim 1 is *customizable by the user*. The novel method of claim 1 allows the user to input the selected phrase in its entirety simply by inputting the associated first/second shortest code of the scheme (e.g. “dit” or “dah”). As an example, the code for “Hello” in International Morse Code is ‘dot dot dot dot dot dash dot dot dot dash dot dot dash dash dash’. If inputting each dot and dash required a separate key activation, inputting the five alphanumeric characters of phrase “Hello” would require **fifteen key activations**. But the method of claim 1 allows a multi-character user selectable phrase such as “Hello” to be input in its entirety with one key activation (e.g. the user selects “Hello” for assignment to “dit” or to “dah”).

Claim 1 requires the encoded phrases to be entered using the “first button,” which is located on a separate surface from the keypad. Thus, the user is able to rapidly and discreetly input an entire assigned phrase with a single keystroke during a telephone conversation, while using the keypad, etc. And because the encoding scheme is customizable by the user, different users can assign different multi-character phrases to the shortest code of the scheme. This allows the user to maintain privacy even where others are able to observe the user activating the key (i.e. others do not know what phrase the user has assigned to the shortest code). In contrast, a *standardized* encoding scheme such as Morse code requires each code of the scheme to be fixed in its representation of a single character, allowing messages encoded by one conversation partner to be decoded by another.

Yamamoto was cited for teaching all of the elements of claim 1 except for a first button disposed or located on a second surface of said body casing, that the “phrases” are “selectable,” and that the first and shortest codes [of the variable length encoding scheme] represent such phrases. Björkgren was cited for teaching a first button disposed or located on a second surface of said body casing. Rawat was cited for teaching that the “phrases” are “selectable” and that the first and shortest codes [of the variable length encoding scheme] represent such phrases.

Applicants respectfully submit that Yamamoto does not teach or suggest the features of claim 1 for which it is cited.

First, on page 3 of the Office Action, Yamamoto is cited for teaching complementary logic “to facilitate entry of alphanumeric data or phrases having one or more words . . .” But claim 1 does not recite this. Claim 1 recites, in part, “to facilitate entry of alphanumeric data **and user programmable phrases . . .**” In no way does the disclosure of Yamamoto teach “user programmable phrases.” Instead, Yamamoto merely teaches a portable terminal for learning/communicating Morse code, in which each code is fixedly assigned to a single letter or punctuation mark (see e.g. Fig. 15). The user of Yamamoto’s device can only input a multi-character phrase by sequentially inputting each individual character/code until the entire phrase has been input, and this process must be repeated each time the multi-character phrase is to be entered. Such a phrase is not a “user programmable phrase.” Should the rejection be maintained as to this feature, Applicants respectfully request clarification as to how/where a “user programmable phrase” is taught in the disclosure of Yamamoto.

Next, Yamamoto was cited on page 3 of the Office Action for teaching “an apparatus” with “complementary logic to facilitate entry of alphanumeric data and user programmable phrases in encoded representations of a variable length encoding scheme . . . wherein the shortest code of the variable length encoding scheme represents a first user [selectable] phrase comprising a plurality of alphanumeric characters” and “the first user selectable phrase being selected by a user from among a plurality of phrases for representation by the shortest code [said shortest code representing said first user selectable phrase in its entirety].”

But Yamamoto does not teach that “the shortest code . . . represents . . . a plurality of alphanumeric characters.” As discussed above, the shortest code of Morse code represents a **single letter**, and this representation is **fixed** (i.e. not user selectable). For this reason, Yamamoto also does not teach a “user selectable phrase . . . selected by a user . . . for representation by the shortest code.” Should the rejection be maintained as to this feature, Applicants respectfully request clarification as to which “plurality of alphanumeric characters” and/or “phrase” is being represented by the shortest code of the variable length encoding scheme of Yamamoto (e.g. by either a dot or a dash).

Yamamoto was also cited on page 4 of the Office Action for teaching an apparatus with complementary logic to “facilitate the user in assigning the first user programmable phrase selected by the user to the shortest length codes of the variable encoding scheme” This is not the language of claim 1. Instead, claim 1 recites, “facilitate the user in assigning the first user **selectable** phrase selected by the user to the **shortest code of the variable encoding scheme**” Again, each code of the Morse code scheme (including the shortest code) is **fixed** in their representations of a **single character**. The shortest code of Morse code is “dot” and

represents “e” (see e.g. Fig. 15). In contrast, the “phrase” of claim 1 comprises a **plurality** of alphanumeric characters, and it is assigned by the user to the “shortest code” (i.e. a single code) of the scheme. The disclosure of Yamamoto simply does not teach or suggest an apparatus with logic to facilitate a user in assigning a multi-character phrase, selected by the user *for representation by the shortest code*, to that code.

In support of this rejection, the cited passages of Yamamoto are stated to teach the following: (1) “sending and receiving character information through optical communication using Morse code”, i.e. that Morse code is used in sending and receiving character information, where the character information is used to form programmable phrases such as “hello”; and (2) that Morse codes are “the shortest length codes.” But Applicants note that “optical communication” using Morse code (i.e. using a light source to flash coded messages) can only be effective where the conversation partners are using mutually intelligible codes (i.e. using the same code to represent same character). As discussed above, Applicants respectfully disagree that “programmable phrases” are taught by Yamamoto. The statement that “Morse codes are the shortest length codes,” is not relevant to the claim language. Claim 1 recites “... shortest code of the variable length encoding scheme,” which in Morse code would be “dot.” This recitation cannot be construed so broadly as to include all Morse codes.

For at least these reasons, Yamamoto fails to teach or suggest the recitations of claim 1.

Björkengren and Rawat cannot remedy the deficiencies of Yamamoto.

Björkengren merely teaches an analog input device for a mobile phone, with volume keys 5 located on the side of the phone.

Rawat merely teaches a method for automating interactions (i.e. completing forms such as login pages or registration forms) on the internet. In the method of Rawat, a user's personal information is stored in a database of a central web server that has program code for parsing markup language pages. When the user logs in to the central server and navigates to a website, the program code can be used to identify text strings in the markup language code that represent forms. Each form contains one or more "meta types" represents information fields, each information field being associated with a format. The user data is assigned to the correct location in the form. The user can select each meta type (i.e. information field) from a drop-down menu before/during the form fill process and select data from among a plurality of previously-stored user data (see e.g. col. 12, lines 22-45).

Rawat does not teach or disclose a "variable length encoding scheme" or a "shortest code of the variable length encoding scheme" as recited in claim 1. By extension, Rawat does not teach that the first and second shortest codes of the variable length encoding scheme represent first and second user selectable phrases [which are selected by the user for association with the first/second shortest code]. The "phrases" that are "selectable" by the user in the disclosure of Rawat are merely "selected" from a menu by the user in filling out a form – they are not selected by the user for association with a shortest or second-shortest code of a variable length encoding scheme.

For at least the above reasons, the cited combination of references fails to teach or suggest the recitations of claim 1. In particular, none of the references (alone or in combination) teaches or suggests "complementary logic to facilitate entry of . . . user programmable phrases in encoded representations of a variable length encoding scheme . . . wherein the shortest code of the variable length encoding scheme represents a first user selectable phrase comprising a

plurality of alphanumeric characters, . . . selected by a user from among a plurality of phrases for representation by the shortest code, said shortest code representing said first user selectable phrase in its entirety . . .” or complementary logic to “. . . facilitate the user in assigning the first user selectable phrase selected by the user to the shortest code of the variable encoding scheme” Likewise, the references also do not teach the recitations of claim 1 with regard to “the second user selectable phrase” and “the second shortest code.”

Applicants further note that a person having ordinary skill in the art would have no motivation to combine Yamamoto, Björkengren and Rawat in the manner suggested, nor would such a combination produce the recitations of claim 1. If a proposed modification would render the prior art invention being modified **unsatisfactory for its intended purpose**, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01, citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Yamamoto’s device is a portable terminal that has a “study mode,” a “practice mode,” a “self-teaching mode,” and a “conversation mode” (paragraph [0102]). These modes are for learning Morse code and for communicating with another terminal in a manner that simulates Morse code. Providing the user of Yamamoto’s device with an opportunity to associate the two shortest codes with user selectable phrases (i.e., changing what the shortest codes represent) would render Yamamoto’s device unsatisfactory for these purposes – the user would not be learning/practicing Morse code, and any message recipient would not know what the two shortest codes represent. Finally, the suggested modification of Yamamoto with Rawat would not produce the recitations of claim 1, because neither teaches associating a code of a variable length encoding scheme with a user selectable phrase. Rawat does not disclose assigning any sort of phrase or other data to a “code

of a variable length encoding scheme,” and Yamamoto’s codes are fixedly assigned to single characters.

Thus, the cited combination of Yamamoto, Björkengren and Rawat simply do not teach or even suggest the Applicants’ recitations. For at least these reasons, Applicants respectfully submit that claim 1 is patentable over Yamamoto in view of Björkengren and Rawat under 35 U.S.C. §103.

Amended claims 21, 31, 47, 56, and 64 recite limitations similar to those of amended claim 1. Accordingly, for at least the same reasons, claims 21, 31, 47, 56, and 64 are patentable over Yamamoto and Björkengren, alone or in combination, under 35 U.S.C. §103.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 depend from claims 1, 21, 31, 47, 56, and 64, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 are also patentable over the cited art under 35 U.S.C. §103.

Allowable Subject Matter

Applicants thank the Examiner for finding claims 12, 13, 28, 29, 37, and 38 allowable but for their dependence on rejected base claims. For the reasons given above, Applicants believe those base claims, as amended, are allowable. Thus, Applicants respectfully submit that claims 12, 13, 28, 29, 37, and 38 are in condition for allowance by virtue of their dependence from the presently allowable claims 1, 21, and 31.

Conclusion

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 5, 2009

by: Al AuYeung/
Al AuYeung
Reg. No.: 35,432

Schwabe, Williamson & Wyatt, P.C.
U.S. Bank Centre
1420 5th, Suite 3010
Seattle, Washington 98101
Telephone: 206-622-1711